

ENTERED

June 14, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISIONORLANDO SANCHEZ,
TDCJ #01197528

VS.

BOBBY LUMPKIN, Director, Texas
Department of Criminal Justice—Correctional
Institutions Division§
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CIVIL ACTION NO. 7:22-CV-112

**ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION
AND GRANTING DISMISSAL**

The Court has reviewed the magistrate judge’s Report and Recommendation regarding Petitioner Orlando Sanchez’s “Petition for Federal Writ of Habeas Corpus 224[1]a” and Petitioner’s objections thereto. After having reviewed the said Report and Recommendation, and after appropriate review of Petitioner’s objections thereto, the Court is of the opinion that the conclusions in said Report and Recommendation should be adopted by this Court.

It is, therefore, **ORDERED, ADJUDGED** and **DECREED** that the conclusions in United States Magistrate Judge Nadia S. Medrano’s Report and Recommendation entered as Docket Entry No. 9 are hereby adopted by this Court.

FURTHER, the Court, having adopted the magistrate judge’s conclusions, is of the opinion that Sanchez’s “Rebuttal Notice[:] Improper Transfers and Improper Re-Characterization” should be construed to contain an implicit motion to withdraw his “Petition for Federal Writ of Habeas Corpus 224[1]a” and that such motion is **GRANTED**, that Sanchez’s “Petition for Federal Writ of Habeas Corpus 224[1]a” be **DISMISSED without prejudice**, and that a certificate of appealability should be **DENIED**.

The Clerk shall send a copy of this Order to Petitioner and counsel for Respondent.

SO ORDERED June 14, 2023, at McAllen, Texas.

A handwritten signature in black ink, reading "Randy Crane". The signature is written in a cursive, flowing style. The first name "Randy" is written with a large, prominent "R" and a long, sweeping underline that extends across the signature. The last name "Crane" is written in a similar cursive style, with a large "C" and a long, sweeping underline that extends across the signature.

Randy Crane

Chief United States District Judge